

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 16th day of March, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: K. M. Hubert, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster
Rickie Kilgore, Fire Chief

OTHERS PRESENT: Lu & Ralph Arcemont, Phil & Nell Reynolds, Jo Ann Biek, Bonnie Berger, Jim Rummage, Patty Gilden, Rosemary Upton, Ellie & Ed Block, Rosemary Vega/Chamber of Commerce, Jerry Anderson, Ernie Torres, Olivia Torres, Elizabeth Roberts, Joe Adams, Jim & Alpha Covington, Steve Flynn, B.J. Thomas, Irwin Walters, Paul Froeschner, Robert Stoddard, Joe Renth, Ruth Mimms, Mr. & Mrs. Gerald Karnes, Angie Flores, S. Moreno, Earl Buckmaster, Randy Hunter, Linda Collins, Hal Lutz, Jim Roush, Pat Smith, Eva Young

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on March 16, 2009.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSENT AGENDA – *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.*

- A. Approval of Minutes of March 2, 2009.
- B. Consider and Act on Approving:
Resolution No. 2009-610-Authorizing Tax Resale of Lot 10, Block 746 (Elizondo)
Resolution No. 2009-611-Authorizing Tax Resale of Lot 16, Block 234 (Rivera)
Resolution No. 2009-612-Authorizing Tax Resale of Lot 13-15, Block 354 (Gilden)
Resolution No. 2009-613-Authorizing Tax Resale of Lot 1, Block 545 (Dixon)
Resolution No. 2009-614-Authorizing Tax Resale of Lot 24, Block 281 (Westfall)
Resolution No. 2009-615-Authorizing Tax Resale of Lot 30, Block 314 (Dixon)

Council Member Hametner made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 4. BRIEF PRESENTATION OF CITY’S NEW WEB SITE.

Information Technology (IT) Administrator Robin White gave a presentation of the new City website which was well received.

ITEM 5. PRESENTATION BY JIM RUMMAGE ON BEHALF OF PROPERTY OWNERS IN THE PROPOSED ANNEXATION AREA OF THE NORTHERN EXTRA TERRITORIAL

JURISDICTION (ETJ) OF THE CITY OF ARANSAS PASS.

Jim Rummage presented the City Council with a proposal from the City by the Sea Property Owner's Association (POA). The POA's proposal would agree to fund a skilled and proven Economic Development Officer that would be employed or contracted to seek grants for the economic benefit of the City and surrounding ETJ and create a committee to provide guidance and supervision to the Economic Development Officer. In exchange, the City would postpone any annexation plan for the area north of Aransas Pass involved in the agreement. The term of the agreement would be for three years and subject to renewal.

ITEM 6. CONSIDER AND ACT ON APPROVING THE REQUEST OF PROJECT GRADUATION TO USE THE AQUATICS CENTER FRIDAY, JUNE 5, 2009 FROM MIDNIGHT UNTIL 2 A.M. FREE OF CHARGE.

After a short discussion, Council Member Mayer made the motion to approve the request of Project Graduation to use the Aquatics Center Friday, June 5, 2009 from midnight until 2 a.m. free of charge. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON REQUEST FROM THE ARANSAS PASS CHAMBER OF COMMERCE FOR FUNDING FROM THE CITY OF ARANSAS PASS FOR A TOURISM RESOURCE GUIDE.

Chamber of Commerce CEO Rosemary Vega stated the resource guide would be distributed to the twelve entry points in Texas. She stated the Chamber would like to start with 10,000 resource guides to make sure the areas were covered.

After discussion regarding the advantages of distributing a resource guide, Mayor Pro Tempore Attaway made the motion to approve the request from the Aransas Pass Chamber of Commerce for funding in the amount of \$4,000.00 from the City of Aransas Pass for a Tourism Resource Guide. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON TWO APPOINTMENTS TO THE MEMORIAL COMMISSION.

Mayor Knight stated two places on the Memorial Commission would soon expire. He stated Patty Gilden and Earl Buckmaster had applied for reappointment to the Commission and were the only applicants.

Council Member Mayer made the motion to reappoint Patty Gilden and Earl Buckmaster to the Memorial Commission. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 9. PUBLIC HEARING ON THE REQUEST OF MIKE WOOD FOR A CONDITIONAL USE PERMIT TO OPERATE AN ADULT (8-LINER) GAME ROOM AT 306 E. GOODNIGHT, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS DESCRIBED AS LOTS 17-27, BLOCK 588. PROPERTY IS ZONED GENERAL BUSINESS (GB) DISTRICT.

City Attorney Allen Lawrence declared the Public Hearing open at 7:19 p.m. on the request of Mike Wood for a Conditional Use Permit to operate an adult (8-liner) game room at 306 E. Goodnight, Aransas Pass, Texas, San Patricio County. The property is described as Lots 17-27, Block 588. Property is zoned General Business (GB) District. Mr. Lawrence stated all proper notice was given and the Planning and Zoning Commission had met on the matter on March 9, 2009 and recommended denial of the request. He asked Mike Wood to come forward to speak for his request.

Mike Wood stated he wanted to lease the building (at 306 E. Goodnight) to put in an adult game room. Mr. Wood, referring to the Planning and Zoning Commission's denial of his request, stated the building would be no different than it was now, no different than other buildings in the area and would bring revenue into the city from out-of-town visitors.

Mayor Knight asked Mr. Wood what did he plan to give as prizes?

Mr. Wood stated the law allowed \$5.00 gifts or the customers could choose gifts from a catalogue and the prizes would be delivered to their home. He stated gifts would be available in the game room.

The City Attorney asked was there anyone else to speak in favor of the request?

Ruth Mimms stated she owned the building and had not had success renting the building but felt Mr. Wood had the experience and money to start and complete a

business at that location. She stated it would be an entertainment for visitors, a source of revenue for the city, and a good addition to the City.

Joe Rowe stated he owned a business in town and did not see anything wrong with Mr. Wood's request. He stated it would give people in town and visitors something to do. Mr. Rowe equated the business with playing home computer games.

Eva Young and Mary Ann Heiman spoke for the request.

Council Member Mayer asked Mr. Wood did he have game rooms in other cities?

Mr. Wood stated he had a game room in Gregory.

The City Attorney asked was there anyone to speak against the request?

Irwin Walters stated he was President of the Pelican Cove Homeowners Association. He stated the Association was opposed to the request. Mr. Walters stated his concerns regarding raids being made on the game room and being shut down for illegal operations. He stated the \$5.00 limit regulation on gifts also included that the gift not be valued over 10 times the cost of playing the game a single time. He stated he and the Association did not think it was the right kind of business for Aransas Pass.

Fred Hosey stated he owned three properties in the city, two in Pelican Cove and one on Commercial Street. He stated it was not about gambling, it was about property values. He stated he wanted to maintain the quality of his property values and quality of his neighborhood and expected the City Council to do the same.

Mary Ann Heimann spoke regarding the effects on property value of the area being effected by a game room opposed to having an empty building or any other business on the location.

Council Member Mayer asked who would be responsible for checking on the game room to make sure it was legal?

The City Attorney stated the Police Department.

Dan Moore stated he had presented information to the Planning and Zoning Commission from the State Bar that indicated game room businesses were hard to prosecute.

The City Attorney asked did any one else have any comments? Seeing none he closed the public hearing at 7:31 p.m.

ITEM 10. CONSIDER AND ACT ON THE REQUEST OF MIKE WOOD FOR A CONDITIONAL USE PERMIT TO OPERATE AN ADULT (8-LINER) GAME ROOM AT 306 E. GOODNIGHT, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS DESCRIBED AS LOTS 17-27, BLOCK 588. PROPERTY IS ZONED GENERAL BUSINESS (GB) DISTRICT.

Council Member Hametner made the motion to deny the request of Mike Wood for a Conditional Use Permit to operate an adult (8-liner) game room at 306 E. Goodnight, Aransas Pass, Texas, San Patricio County. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 11. CONSIDER AND ACT ON APPROVING LANDSCAPING FOR THE NEWBURY PARK RENOVATION PROJECT.

After discussion on the contribution of the Coastal Bend Foundation to the landscaping project and the plants to be planted, Council Member Abrego made the motion to approve landscaping for the Newbury Park Renovation Project. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 12. CONSIDER AND ACT ON APPROVING CHANGE ORDER NO. 10 (CIVIC CENTER).

After conferring with the City Attorney Item 12 and Item 13 were considered together.

Council Member Abrego made the motion to approve Change Order No. 10 for \$25,431.49 and Pay Application No. 14 for \$211,653.90 (Civic Center). Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT APPROVING PAY APPLICATION NO. 14 (CIVIC CENTER).

Approved with Item 12.

ITEM 14. CONSIDER AND ACT ON APPROVING THE REQUEST OF CABOT OIL & GAS

CORPORATION TO CONDENSE FIVE SEPARATE BONDS FOR OIL WELLS KNOWN AS STATE TRACT 308 WELL #1 AND #2 AND STATE TRACT 309 WELL #1, #2 AND #3 INTO ONE BLANKET BOND.

Council Member Hametner made the motion to approve the request of Cabot Oil & Gas Corporation to condense five separate bonds for oil wells known as State Tract 308 Well #1 and #2 and State Tract 309 Well #1, #2 and #3 into one blanket bond. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 15. CONSIDER AND ACT ON ORDINANCE NO. 2009-3956 – AMENDING CHAPTER 13, SECTION 13-41.(D) OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, REGARDING “HARBOR PROPERTY LEASES; STATEMENT OF POLICY”; AND PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE.

After short discussion, Council Member Mayer made the motion to approve Ordinance No. 2009-3956 – Amending Chapter 13, Section 13-41.(d) of the Code of Ordinances of the City of Aransas Pass, Texas, Regarding “Harbor property leases; Statement of policy”; and Providing a Repealer clause and an Effective date. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 16. CITIZENS’ COMMENTS.

Angie Flores founder of “Give Obesity the Boot” organization spoke regarding the Texas Weight Loss Challenge, an effort to educate the public on the disease that come behind obesity. She stated she had hoped that Aransas Pass would challenge surrounding cities to a weight loss challenge. She stated the proceeds from the challenge would go to benefit a free summer camp for children and adults.

Mayor Knight stated Ms. Flores should speak to the City Secretary about being placed on the next Council agenda.

Council Member Mayer asked when would the City’s audit be presented to Council?

The City Manager stated she believed the auditor was finishing this week and she would contact the Council as soon as the audit was ready.

ITEM 17. ADJOURNMENT OF MEETING.

Karen Mayer made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:43 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary